

**SANDLER AHERN & McCONAUGHY PLLC**

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June 21, 2001

VIA FACSIMILE

Sharon L. Kercher, Director
Technical Enforcement Program
U.S. Environmental Protection Agency
Region 8
999 18th Street – Suite 300
Denver, Colorado 80202-2488

Re: RI/FS for Operable Unit #2 of the Vasquez Boulevard/I-70 Site, Denver,
Colorado

Dear Ms. Kercher:

This letter constitutes the response of ASARCO Incorporated ("Asarco") to your letter to Diana Shannon and Robert Litle dated June 12, 2001. It is Asarco's intent to enter into an administrative order on consent (AOC) to perform a Remedial Investigation/Feasibility Study (RI/FS) for Operable Unit #2 of the Vasquez Boulevard/I-70 Site subject to the following conditions:

- Asarco has reached a verbal agreement with the City and County of Denver ("Denver") that will allow Asarco to perform the RI/FS on its own and as the only signatory to the AOC. However, Asarco will not sign the AOC until it has entered into a written settlement agreement with Denver. Asarco and Denver are working diligently on reducing their agreement to writing, and expect to have a signed agreement very shortly.
- Some modifications will be required to the draft AOC conveyed to the parties by Nancy Mangone on May 24, 2001 as a result of the arrangement between Asarco and Denver. Based on discussions with Ms. Mangone, Asarco believes that such modifications are not substantial and will be acceptable to EPA.

Given the need to modify the documents described above, Asarco, along with Denver, had requested a further period in which to conclude these settlement negotiations. It is our understanding, based on a voice mail message from Dawn Tesorero and a telephone conversation with Barry Levene, that EPA has granted a further period for negotiations until June 29, 2001.

I will be out of the office on Friday, June 22, 2001. If you need to speak to an Asarco

June 21, 2001

Page 2

representative on Friday, please contact Robert Litle in Asarco's Omaha office at 402 449-7142, or leave me a voice mail message at 206 346-1766.

Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Linda R. Larson".

Linda R. Larson

LRL:LRL

cc: Nancy Mangone
Dawn Tesorero
Shaun Sullivan
Robert Litle